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May 21, 1997

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**MAY 21 1997**

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington DC 20554

Federal Communications Commission  
Office of Secretary

In the Matter of:

Electronic Filing of Documents in  
Rulemaking Proceedings

CC Docket No. 97-113

Dear Mr. Caton:

Enclosed are an original and nine copies plus two additional public copies of the Comments of Cincinnati Bell Telephone Company in the above referenced proceeding. A duplicate original copy of this letter and attached Comments is also provided. Please date stamp this as acknowledgment of its receipt and return it. Questions regarding these Comments may be directed to me at the above address or by telephone on (513) 397-1393.

Sincerely,

Enclosure

cc: International Transcription Services, Inc

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

MAY 21 1997

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Electronic Filing of Documents in  
Rulemaking Proceedings

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CC Docket No. 97-113

**COMMENTS OF CINCINNATI BELL TELEPHONE**

Cincinnati Bell Telephone Company ("CBT") herein submits its comments in response to the Notice of Proposed Rule Making ("NPRM") released by the Commission on April 7, 1997, regarding Electronic Filing of Documents in Rulemaking Proceedings.

**I. INTRODUCTION AND SUMMARY**

CBT's comments in this matter are intended to assist the Commission staff in the evaluation of current options to make it easier for parties to Commission proceedings to file comments and to access comments filed by other parties. Additionally, CBT believes that electronic filing will also allow the Commission to improve the efficiency of its own processes, so that the public will benefit.

CBT's comments are organized into three sections. The first section describes information relating to the submission of electronic filing of comments. The second section relates to special measurements to authenticate and secure electronic comments. The final section includes electronic filing technical suggestions.

## **II. DISCUSSION**

### **A. ELECTRONIC FILING OF COMMENTS**

In the NPRM, the Commission seeks comment on whether its rules should be modified so that electronically filed comments receive the same treatment and consideration as comments filed in paper format.<sup>1</sup> CBT asserts that the benefits of electronic filing will be maximized by treating electronic filings in the same manner as paper filings. To do less simply imposes an additional burden on companies to do both paper and electronic filings. CBT submits that the ease and cost effectiveness of the Internet could make it the preferred approach for submission of comments. However, paper copies may still be permissible for some period of time for those parties with no access to the Internet or e-mail. If the Commission finds an Internet process to be appropriate, commenters could e-mail an official copy to the Commission, with a copy to the International Transcription Service (ITS), the Commission's contractor for distribution to the public.

Additionally, in its NPRM, the Commission requests comment on other procedural or administrative issues with respect to electronic filing of comments.<sup>2</sup> For example, the Commission seeks comment regarding formatting requirements, such as paragraph numbering. CBT asserts that such a standard would be necessary, because certain formatting, such as page breaks, may differ when documents are viewed or printed on different computer systems. Further, CBT believes it would be necessary for the Commission to develop special procedures to mitigate frivolous or abusive filings. Most

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<sup>1</sup> NPRM, CC Docket No. 97-113, at ¶ 9.

<sup>2</sup> NPRM at ¶ 22.

notably, the Commission could place page limits on filings, as well as continue to uphold current filing requirements associated with the formal filing of comments.

On the other hand, CBT is strongly opposed to the Commission's NPRM suggestion regarding the potential use of other media, such as CD-ROMS and dial-up bulletin board systems, for submitting filings.<sup>3</sup> Technology for a read / write capability for CD-ROMs is expensive and not widely available. Also, bulletin board systems lack security and are often not accessible without sophisticated data communications programs.

The Commission tentatively concludes that the filing date and time for comments submitted via electronic mail shall be the date the document is received by the Commission.<sup>4</sup> CBT asserts that if comments are received after the Commission's deadlines, due to a network transmission problem beyond the control of the commenter, the Commission should still accept the comments as filed in a timely manner. Otherwise, CBT concurs that comments that fail to meet the necessary deadlines and formalities shall be treated as informal or ex parte filings. Whatever mechanism the Commission chooses to implement an electronic filing process, the mechanism should be designed to provide some electronic acknowledgement of receipt of a filed document. Such a mechanism would reduce questions concerning whether or not a particular document was filed in a timely manner.

Regarding the means by which electronic comments in rulemaking proceeding should be submitted, the Commission must allow the submission of material in software formats other than Word Perfect. The submission of a variety of formats might be unnecessary, if a

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<sup>3</sup> NPRM at ¶ 14.

<sup>4</sup> NPRM at ¶ 18.

system is implemented to standardize any submission into a single FCC format preference.<sup>5</sup> If the Commission does not plan to implement a standard format for uploading files onto its Web Page, it should consider expanding the submission of software packages to include Microsoft Word, in addition to Word Perfect. Additionally, if the Commission proceeds with the implementation of electronic filing, the Commission should systematically and periodically review the mechanism for electronic filing and update the software formats and versions to be used. Where numeric data is filed in spreadsheet form, CBT believes that filing formats including Lotus and Excel should be accepted.

CBT believes that it is important that the Commission address administrative and implementation issues that may arise as it seeks to allow formal comments to be filed electronically. In addition, electronic filing will require internal procedures to ensure that comments can be processed and made available for review in a timely manner. CBT agrees that the primary mechanism for electronic filing of formal complaints in rulemaking proceedings should be a World Wide Web page form, through which parties may upload their comments directly into a database. This will allow filing data to be submitted and verified automatically. CBT submits that the Commission should scan filings of paper copies and make them available on e-mail/internet.

In its NPRM, the Commission seeks comment on compliance with service requirements for the bureau office and Commissioners (e.g., Opposition to Petitions for

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<sup>5</sup> If the Commission implements one standard system, then CBT suggests Adobe Acrobat, as Adobe converts any document into one standard format. *See* NPRM, Section C.

Reconsideration).<sup>6</sup> CBT would assert that where there is a requirement that either a particular Commission office or Commissioners be served, the submission of the electronic filing should be deemed adequate service.

In order to address the concerns of parties who do not have access to the World Wide Web, CBT would suggest that initial comments in a proceeding be filed electronically at the discretion of the party filing the comments. The Commission could then issue a complete service list indicating which of the filing parties filed paper copies, so that reply comments, Petitions for Reconsideration, etc., could be sent in paper format to those parties. While this adds a somewhat cumbersome step in the process, CBT asserts that the Commission must establish such a process in order to deal with due process concerns.

**B. SPECIAL MEASUREMENTS TO AUTHENTICATE AND  
SECURE ELECTRONIC COMMENTS**

CBT is particularly concerned about the security and integrity of filings it makes by electronic means. CBT agrees that the Commission's electronic processing system for material filed electronically should utilize a secure database that can only be modified by authorized Commission staff. CBT notes that special measures necessary to authenticate and/or secure electronic filings in rulemaking proceedings outweigh the additional administrative difficulties and concerns created by such a requirement. One special measure that could prove useful where proprietary or confidential information must be protected would be some process of encryption. Another security measure that is necessary and should be required, involves the use of digital signatures or account numbers. The Commission

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<sup>6</sup> NPRM at ¶ 9.

must offer some guidelines on what mechanisms it intends to use to authenticate digital signatures or some other form of authentication which must be required before a pleading can be deemed properly filed. CBT would urge the Commission to offer the guidelines it intends to use to authenticate digital signatures, so that parties may have an opportunity to comment upon them.

### **C. ELECTRONIC FILING TECHNICAL ISSUES**

CBT suggests that a possible technical option involves the use of Portable Document Format (PDF). A PDF file is a PostScript derived file that is viewable/portable across a wide variety of operating systems, such as DOS, Windows, UNIX and Mac. One benefit of this solution is that the Commission is currently using PDF format, as well as Adobe software. Therefore, little additional implementation would be necessary for the Commission. However, additional software is necessary for parties to place documents in PDF format. One such software package is Adobe Acrobat viewer/reader. CBT views PDF format as an attractive option because it is independent of a company's specific operating system or PC set-up.

Additionally, PDF documents retain all original attributes, such as format, fonts, graphics, tables and multi-column text, in a markedly smaller size than the original file. Another positive, PDF allows documents to be posted in a consistent format that will assure that they maintain the original formatting and are fully searchable.<sup>7</sup> CBT is concerned, however, that a computer user must have software that will convert different types of

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<sup>7</sup> A benefit of the Commission implementing PDF format, though, is that a free download viewer from the Internet, Adobe Acrobat Reader exists.

software to a PDF file type, such as Adobe Acrobat 3.0, which runs approximately \$295 per workstation. While CBT recognizes that there will be costs associated with software, hardware, training updates, and the possibility of license fees, CBT urges the Commission to consider the most efficient and cost-effective method by which the submission of electronic documents should be filed.

In the NPRM, the Commission seeks comment on the feasibility of using CD-ROM and bulletin board for electronic filing communication.<sup>8</sup> CBT does not see these options as appropriate, in that the former is too costly to maximize the opportunities for public input, and the latter is too inefficient as a means for submitting electronic documents. Native World Wide Web format appears to be the best option at this point.

### **III. CONCLUSION**

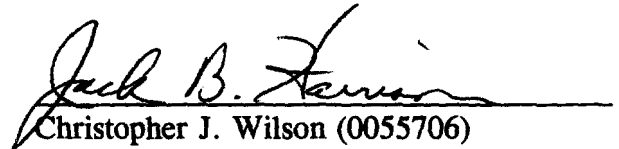
CBT concurs with the Commission's commitment to taking advantage of new information technologies by exploring future alternatives for the electronic filing of comments in rulemaking proceedings, so that the public is better served. CBT asserts that the Commission must establish explicit procedures for electronic filing for notice and

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<sup>8</sup> NPRM at ¶ 14.

comment rulemaking proceedings, if it is to implement an electronic filing initiative which will improve efficiency and move the operation of the Commission forward in the information age.

Respectfully submitted,



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Filed: May 19, 1997

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of Cincinnati Bell Telephone Company's Comments have been sent by first class United States Mail, postage prepaid, or by hand delivery, on May 21, 1997, to the persons listed on the attached service list.

  
Judy Piepmeier

William F. Caton, Acting Secretary (paper copy and disk copy) \*  
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